



Building
a workable
PEACE



EM 19 GI ROUNDTABLE

Prepared for
THE UNITED STATES ARMED FORCES
by
THE AMERICAN HISTORICAL ASSOCIATION

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WAR DEPARTMENT
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CHARTER OF THE UNITED NATIONS

Preamble

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

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WHY DO WE NEED A WORLD ORGANIZATION?

THE MEN who forged the Charter of the United Nations had a solemn task. While the most destructive war in the world's history was still going on, and in the knowledge that any future conflict would be infinitely worse, they sought at San Francisco a solution to the age-old problem: how to prevent war.

The representatives who met in San Francisco from April 25 to June 26, 1945—representatives of the 50 nations then at war with Germany or Japan or both—were by no means breaking new ground. For centuries philosophers and kings, diplomats and ordinary citizens have hunted for the key to lasting peace. In the course of time, every conceivable variety of general principle and detailed plan has been put forward. But not until 1919 was a full-fledged organization established among the nations with the purpose of keeping the peace.

The League of Nations failed of that purpose. The men who created it predicted that a recurrence of world conflict would be certain disaster for humanity. But in the years that followed, men became less conscious of the costs of war and more preoccupied with the price of peace. Statesmen and students discussed at length the economic and social measures necessary to relieve political unrest—but little was done to solve the critical problems. Nations,

when the pinch came, hesitated to take direct action against aggression.

In Manchuria, in Ethiopia, at Munich, and elsewhere, however, the world learned that aggression cannot be stopped by diplomatic protests, halfway economic penalties or appeasement. It will take at least as much cooperation—and determination to use joint force if necessary—to keep the peace as it has taken to win the victory.

Another chance and another try

The military developments of this war—jet propulsion, rockets, atomic bombs—show what could be expected in a future war. They make the creation of a workable system to maintain world peace look like plain common sense. Whatever peace may cost in the sacrifice of traditional ideas and policies would seem to be not merely worth while but indispensable. As Senator Vandenberg said to the Senate in his report on the San Francisco Conference, "If World War III ever unhappily arrives, it will open laboratories of death too horrible to contemplate. . . . They must be closed all around the earth (for keeps) because neither time nor space any longer promises to shield the victims of treacherous attack."

At San Francisco the United Nations laid the foundation and erected the framework of another world peace system. In some ways it resembles the League of Nations. In other ways it is different. But it faces the same basic difficulties and over it hovers the same big question mark: Will it succeed?

WHAT LAY BEHIND THE SAN FRANCISCO CONFERENCE?

We have not the space to examine all the earlier proposals for a world security league. For the moment, how-

ever, we may recall some of the steps in United Nations cooperation that led up to the San Francisco Conference.

These steps were taken as a direct result of the war in which a growing number of nations—some of them exiled governments and local undergrounds—were ranged against Axis aggression. Each step was taken with the final objective in mind of a postwar world security organization.

The Atlantic Charter. When President Roosevelt and Prime Minister Churchill met on the high seas in August 1941, they drafted a declaration of "certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world." This statement, which became known as the Atlantic Charter, included clauses on transfers of territory, collective security against aggression, economic and social cooperation, self-government of peoples, free communications, and equal trade opportunities.

The fact that the leaders of the United States and Great Britain subscribed to these principles jointly gave the Atlantic Charter an importance far beyond a simple personal declaration. It enlisted this country—while we were still neutral—in the cause of creating a workable world security system.

The United Nations Declaration. Less than a month after Pearl Harbor (January 1, 1942), the United Nations came officially into existence at Washington, when 26 nations fighting the Axis subscribed to the Atlantic Charter and signed a joint declaration of common aims. Almost as many more have since adhered to the declaration.

The Moscow Declaration. As the war progressed, it became evident that the United States, Great Britain, and the Soviet Union, with China in the Far East, would necessarily carry the major burden of the war against the Axis. These four countries—and later France—began to collaborate

even more closely on war strategy and peace aims. Since the USSR had a treaty of mutual nonaggression with Japan, however, the Russians could not participate in conferences on the Far Eastern war.

At the close of the Moscow Conference of October 1943, the foreign ministers of the United States, Russia, and Great Britain and the Chinese ambassador in Moscow issued a momentous declaration. It provided, among other matters of a military character, a common recognition of "the necessity of establishing at the earliest practicable date a general international organization for the maintenance of international peace and security." This was the first official step toward establishing the organization created by the San Francisco Charter. Its language was almost immediately echoed in the Connally Resolution passed in the United States Senate by overwhelming vote.

The Dumbarton Oaks Proposals. Within a year, the outlines of the world security organization had been drafted. Representatives of the United States, Great Britain, Russia, and China met at the Dumbarton Oaks estate in Washington, D. C., in the fall of 1944. On October 7, 1944 was issued a detailed blueprint which became the framework of the San Francisco Charter. The Dumbarton Oaks Proposals provided the peoples of the world with their first specific view of how aggression was to be treated in the future.

One major issue was not settled at Dumbarton Oaks. Should a state be allowed to vote in the settlement of a dispute to which it is a party and, more than that, on the question of its own guilt as an aggressor? This matter of voting is probably the most difficult of all the political problems in creating a workable world security organization.

The world has long since reached the stage of prohibiting a man accused of crime from voting on his own guilt.

We have not reached that stage about sovereign states in the international community.

The issue of whether a state involved in a dispute or charged with being an aggressor should vote in its own case proved insoluble at Dumbarton Oaks, and the problem of finding an acceptable compromise was left to a later meeting.

The Yalta Conference. In February of 1945 President Roosevelt met for the last time with Prime Minister Churchill and Premier Stalin, at Yalta in the Crimea. The "Big Three" issued a call for a United Nations conference at San Francisco on April 25.

An agreement on the voting procedure to be followed in settling disputes and in cases of alleged aggression was also arrived at but was not announced till March 5. We shall analyze it in detail later (page 42).

WHAT WERE THE PROBLEMS FACED AT SAN FRANCISCO?

The United Nations Conference on International Organization (UNCIO) met at San Francisco in the face of many difficulties and some doubt as to its success. There was a certain amount of distrust evident in the attitudes and actions of many of the delegations. That the distrust was removed and the Charter finally approved by unanimous vote is a tribute to the efforts of all parties and the willingness of all to compromise some of their extreme demands.

Quite naturally, the 50 nations which wrote the Charter did not all see eye to eye on the provisions they wanted to include in it. There were very serious problems and differences of opinion to be overcome. Solutions were found largely through the give and take of debate and negotiation. Whether the solutions were sound depends on the willingness of the member states to keep pushing for their success.

Before we look at the machinery set up by the San Francisco conferees, it may be well to examine some of the major problems they had to face.

Membership

The conference faced membership questions of two kinds. In the first place it had to decide on applications from several nations who wanted to be represented at San Francisco. Then it had to determine the rules for admission to the United Nations Organization of those nations which might ask for membership at some later time.

In the first group were Argentina, Ukraine, White Russia, Poland, and Denmark. Argentina had hurriedly declared war on Germany and Japan in order to get in on the conference, but was suspected of still harboring fascist sympathies. Its admission was strongly opposed by Russia and supported by the Latin-American countries and the United States. On a showdown vote Argentina was admitted.

Separate membership for the Soviet republics of Ukraine and White Russia in addition to that of the Soviet Union had been asked by Stalin at Yalta and agreed to by Roosevelt and Churchill. The conference approved and seated representatives of those two states. Inasmuch as the tangled problem of a Polish government mutually satisfactory to the Big Three had not yet been settled, Poland was not admitted to the conference. The way was left open for its later adherence.

When the conference opened, Denmark was occupied by the Nazis and had no exile government. It was liberated during the session, applied for admission, and was unanimously accepted. A potential Spanish application was discouraged in advance with equal unanimity because of the Franco government's close ties with the Axis.

The question of later membership in the United Nations organization involved the neutral nations of the world which were not invited to San Francisco because they were not contributing to the defeat of Germany and Japan. It also involved the ex-enemy nation, Italy, and the various satellite nations of the Axis. And finally it concerned the two major enemies themselves, Germany and Japan. How the conference answered this question we shall see later (page 13).

The big nations and the small ones

The next problem arose out of the difficulty of reconciling the theory of international law—that all nations are equal—with the facts of international life—that some are much more powerful and influential than others. The great powers, realizing that they would be responsible for supplying most of the military forces for keeping the peace, wanted to have the most to say about when, where, and how—and if—they should be called upon to act.

The small nations, on the other hand, insisting that they were sovereign equals of the great powers—which in most cases were the aggressors anyway—thought they should have just as much to say.

Closely related to this issue of whether the big powers should have a larger voice in the affairs of the international organization was their demand for the right to veto the use of international force against themselves. This demand rested on the fact of their power and again was opposed by the small powers.

The need for speed

Blitzkrieg—lightning war—was an adequate word for the kind of sudden and overwhelming attack, launched without warning, that Germany, Italy, and Japan practiced in World War II. A new word, something faster than light-

ning, will have to be coined if there should be another war. Military developments make it likely that the initial assault will come from greater distances at greater speed with greater devastation.

If aggression is to be averted, therefore, the forces used to prevent it must be available for almost instantaneous use. An international organization that can effectively keep the peace against would-be peacebreaking nations must be armed and authorized to use force if, as, and whenever necessary. Such a blank check of power in the hands of an international body, however, runs up against the desire of all nations that supply a share of the international force to be consulted before it is put to use. Here was another problem for San Francisco to solve.

Regionalism

Another problem grew out of the existence of three regional systems of mutual aid, one in Europe, one in the Arab world, and one in the Americas. The first is the wartime alliance of Great Britain, Russia, France, Czechoslovakia, and other nations through a network of bilateral treaties to last for 20 years. The second is the newly forged Arab League, and the third is the Pan American system, reinforced at the Mexico City conference just a few months earlier.

The question here was how to fit these regional security systems into the world security program. Should the regional organization step aside when the world organization came on the scene or should the latter hold off until the local authorities called for help?

Dependent areas

The question of what to do with non-selfgoverning areas of the world was partly a war problem. What should be done about the former Italian colonies, the former Japa-

nese mandated islands, and the illegally acquired parts of the Japanese Empire? But it also was concerned with colonial and dependent peoples who had for long been under the supervision of one or another of the victor nations.

By the widest possible definition, the problem could be made to include not only the peoples of the Libyan Desert and the Pacific islands, but those of Puerto Rico and Burma as well. Or, at the other extreme, the definition could limit the problem only to liberated enemy territory and mean nothing for the people involved but an exchange of masters.

Economic and social issues

Wars do not start of themselves; most people recognize that economic restrictions and social pressures are potent factors in pushing nations to make war. A nation may or may not be a "have-not" in natural resources. But if it thinks itself lacking in the necessities of national safety, and especially if it thinks other nations are denying it these necessities, it will go to extremes to get them.

Readjustment, compromise, and cooperation among nations in economic and social matters is thus an imperative requirement of lasting peace. But nations ordinarily feel that their tariffs, wage and hour laws, monetary systems, immigration laws, and the like are not matters of international concern. Here was one of the problems to be faced at San Francisco: how to reconcile the universal desire of avoiding war with the almost equally strong desire not to let any international body "interfere in domestic affairs."

Amendments

The final problem in any such organization is whether its constitution is to be rigid and relatively unchangeable or whether it is to be open to comparatively easy amendment.

In the one case it runs the risk of becoming obsolete as conditions in the world change; in the other it chances becoming as inconstant as a weather vane before the shifting winds of international politics.

WHAT MACHINERY WAS SET UP AT SAN FRANCISCO?

The San Francisco Conference did not meet in a vacuum. The preliminary Big Four conference at Dumbarton Oaks, the amendments put forward by other governments, the widespread public discussion, and the many proposals of various unofficial groups in this and other countries all contributed to the framing of the Charter.

Just what did the delegates create? We may look at the problems they confronted very much as the framers of our own Constitution viewed those of establishing a national government for the United States. Our forefathers had to create (1) an adequately representative legislature, (2) a powerful executive, (3) a respected court system, and (4) an effective national administrative organization.

The delegates at San Francisco faced the same four broad tasks in setting up the framework of a government for the family of nations. And just as the framers of our Constitution had the Articles of Confederation as a guide for their own work, the San Francisco conferees had the Covenant of the League of Nations on which to build.

Both these previous constitutional efforts had displayed weaknesses when put to the test of actual operation. The main job before the delegates at San Francisco in 1945 as at Philadelphia in 1787 was to improve on the earlier documents, to eliminate their working defects. In tracing what was done at San Francisco we may, therefore, usefully compare the new Charter with the League Covenant. We shall then be better able to judge what advances we have

made through the Charter—and what remains for us to do.

The six chief organs

Briefly, the machinery created at San Francisco consists first of a sort of world legislature—without lawmaking power over the nations—called a *General Assembly*. It is the broadest representative body of the United Nations. All the 50 charter members are represented in it and each has one vote—as will any nation admitted in the future. Membership is thus based on the “sovereign equality” of all states.

Second is an executive organ called the *Security Council*. This is not an upper legislative chamber having powers parallel to the General Assembly—as the Senate has to the House of Representatives in Washington. It is the arm of the United Nations which is charged with acting on behalf of the community of nations. Five great powers, the United States, the Soviet Union, the United Kingdom, China, and France, have permanent seats on it and special voting privileges. Six nonpermanent member nations are elected by the General Assembly for overlapping two-year terms. They are not eligible for immediate re-election when their terms end. The Security Council functions continuously, whereas the General Assembly meets annually.

Attached to the Security Council is a Military Staff Committee composed of the Big Five chiefs of staff. It is intended to direct the use of armed forces on behalf of the United Nations against an aggressor. There was no counterpart of this body in the League of Nations.

The third organ of the United Nations is an *International Court of Justice*. It is modeled after the World Court that functioned at The Hague after World War I, with the changes necessary to make the new court an integral organ of the United Nations. Similarly, the fourth branch, the

INTERNATIONAL COURT OF JUSTICE



GENERAL ASSEMBLY



SECURITY COUNCIL



ECONOMIC & SOCIAL COUNCIL

ECONOMIC
COMMISSION

SOCIAL
COMMISSION

OTHER
COMMISSIONS

SECRETARIAT

SECRETARY
GENERAL

TRUSTEESHIP COUNCIL

MILITARY
STAFF
COMMITTEE

REGIONAL
SECURITY
ARRANGEMENTS
& AGENCIES

INTERNATIONAL LABOR
ORGANIZATION

UNITED NATIONS FOOD AND
AGRICULTURE ORGANIZATION

OTHER SOCIAL AND HUMANITARIAN AGENCIES
HEALTH—EDUCATION—CULTURAL

INTERNATIONAL
MONETARY FUND

INTERNATIONAL BANK FOR
RECONSTRUCTION & DEVELOPMENT

OTHER ECONOMIC AGENCIES

NATIONAL
CONTINGENTS OF
ARMED FORCES

AIR

SEA

LAND

Secretariat, or administrative service of the United Nations, is planned to be much like that which served the League of Nations.

Two new organs of international cooperation were established at San Francisco. These are the *Economic and Social Council* and the *Trusteeship Council*. The former has 18 member nations, serving for three-year overlapping terms. Its purpose is to promote economic and social welfare and protect human rights. The Trusteeship Council, overseeing certain dependent areas of the world, is the successor to the Mandates Commission of the League of Nations. Its members will be the Big Five, any other nations administering trust territories, plus an equal number of nontrustee nations.

How can a state become a member?

The Charter provides that all states represented at the San Francisco Conference or which had previously signed the declaration of the United Nations of January 1, 1942 are original members of the organization. Membership is open to "all other peace-loving states which accept the obligations" of the Charter and which are considered by the other members "able and willing to carry out these obligations."

Election to membership is by the General Assembly "upon the recommendation of the Security Council." Seven of the eleven members of the Security Council, including the five permanent members, must recommend election, and the General Assembly must vote for the new member by a two-thirds majority.

It is noteworthy that a unanimous vote is not required for election. This is one of a number of points in the Charter at which the principle of qualified-majority voting is introduced. Although the Charter is not the first international treaty to break away from the principle of unanim-

ity, it does so more widely and fully than any previous one, including the Covenant of the League of Nations.

Can a member resign or be expelled?

Not less important than admission to membership is the question of resignation or expulsion of a state. Here the Charter departs from the League Covenant in several ways. First, the Covenant provided that any state could withdraw from the League upon giving two years' notice and fulfilling all its obligations under the Covenant up to the time of its withdrawal. Under the Charter, there is no provision for resignation. However, the United States government takes the position that each instance of a member's wanting to withdraw would have to be considered on its own conditions.

May a state be expelled for failure to carry out its obligations? Here the Covenant and the Charter differ again. The League Council, except for the defaulting member, could vote unanimously to expel a member state for violating "any covenant of the League." The most notable, and debatable, example of expulsion was, perhaps, that of Russia in 1939. It was charged with aggression against Finland in the Winter War.

Under the Charter a member state may be either suspended or expelled from the United Nations by the General Assembly on the recommendation of the Security Council. Voting on suspension or expulsion follows the same rules as those for admission.

A state may be suspended if "preventive or enforcement action" has been taken against it by the Security Council. Its rights and privileges under the Charter may be restored by the Security Council—presumably when and if it gets back in line. If, however, a state has "persistently violated the principles" of the Charter, it may be expelled. This action would, in all likelihood, be taken only after a state

had committed a number of acts of aggression against other members in defiance of a recommended peaceful settlement of some dispute.

May a state have more than one vote?

Does the principle of "one state, one vote" apply equally all around or are there ways in which a state may acquire more than one vote?

The question has particularly important implications for this country. When the League of Nations Covenant was being debated in the Senate in 1919-20, one of the most frequent charges brought against it was that Great Britain had actually not one vote but six—its own and those of Canada, Australia, New Zealand, South Africa, and India. It was asserted by the League's opponents that these votes would, in fact, be cast as the British government desired—or demanded. Although events disproved the charge, the idea of a bloc of British votes, controlled by the home government, has persisted.

The question has become an active one again, and not only as to Great Britain. One of the agreements reached at Yalta by the Big Three was to allow separate votes in the General Assembly to two constituent republics under the Soviet Union—Ukraine and White Russia. On paper it looks as though both Great Britain and Russia, especially the latter, were going to "control" more than one vote apiece. To some, this issue will appear as a dangerous situation. It looks to them as if the United States could be outvoted by two others of the Great Powers. Thus, they say, we shall be in an inferior position in which our interests in the United Nations Organization can be jeopardized. As a counterbalance, some people have suggested that each of our 48 states should be given separate representation in the General Assembly!

If we look at the question from the point of view of practical politics, we need not be overconcerned about the possible results of the British or the Russian arrangements. The dominions and the British government frequently disagreed in both the Assembly and the Council of the League of Nations. There was, in fact, never a case in which the British government controlled the votes of the dominions.

In the intervening years, and especially during this war, several of the dominions have drawn closer to this country. Canada and Australia, for instance, recognize their common interests with us in postwar international defense and economic policies. These trends are almost certain to continue. There is no likelihood that the British government and the dominions will form a bloc against us, in the General Assembly or otherwise. The evidence of San Francisco itself—where some of the dominions led in opposition to certain British policies—was to the contrary.

The Russian situation is not dissimilar. The Soviet national constitution grants more autonomy to its separate republics than most federal constitutions. Some observers have already noted differing trends of foreign policy between Moscow and the Ukrainian and White Russian republics. Whether this development will go as far as it has between the British government and the dominions, cannot, of course, be determined in advance.

In any event, these votes represent at present only 3 in 50—more later as new states are admitted. If cast on the same side, they can never affect any decision in the General Assembly unless at least 14 other states vote the same way. It is sometimes pointed out, also, that both the Russian constituent republics are larger in population and resources than all except a dozen or so other member states. On the other hand, in decisive issues the United States can generally count on the support of most of the 20 Latin-American republics.

WHAT ARE THE FUNCTIONS OF THE GENERAL ASSEMBLY?

The General Assembly has many functions that are more important than admission, suspension, or expulsion of members of the United Nations. These functions are designed to help it serve both as a sounding board for world opinion and as a parliament in which general standards of national action for international cooperation can be established.

As an organ through which world opinion can be expressed and mobilized, the General Assembly, like the League of Nations Assembly, is effectively organized. Every member state is represented. Any question involving international peace and security may be brought before the General Assembly by a member or even by a non-member state. Since the members represent many different political, economic, and social views as to domestic and international policies, there seems every reason to expect a wide range of opinion in debate.

This wide range of opinion will result also from the terms of the Charter itself. The General Assembly "may discuss any questions or any matters within the scope of the . . . Charter or relating to the powers and functions of any organs provided in the . . . Charter." It may also discuss "the general principles of cooperation in the maintenance of international peace and security," as well as the merits of particular disputes. No question of international concern seems, indeed, to lie outside the General Assembly's role as a forum of world opinion.

Can the General Assembly act on a dispute?

Both as to the "general principles" and as to particular disputes, the General Assembly may "make recommenda-

tions" to the Security Council or to the member states. But if the Security Council is itself dealing with the dispute the General Assembly may not make a recommendation.

The Council may, however, request the General Assembly to help find a solution to the dispute, and it must keep the General Assembly informed as to the existence of any dispute and of its actions with respect to it. Conversely, the General Assembly "may call the attention of the Security Council to situations which are likely to endanger international peace and security."

The General Assembly, thus, becomes the barometer of opinion on world peace—and the spur to executive action by the Security Council to maintain it. This aspect of the powers and functions of the General Assembly parallels closely those of the League of Nations Assembly. That Assembly could deal with "any matter within the sphere of action of the League or affecting the peace of the world." It could, therefore, take up budding disputes and discuss them on the floor. All disputes had, moreover, to be referred first of all to the League Council, as they must first be referred to the Security Council under the Charter. The Council might, however, "refer the dispute to the Assembly," which then had the same powers as the Council in recommending a settlement.

Can the Assembly pass international legislation?

The second broad function of the General Assembly is to set up international standards for economic and social as well as political cooperation. The comparison of the Assembly to a national legislature is a convenient fiction—but strictly a fiction. There are, however, some marked advances in the powers of the General Assembly as compared with those of the League of Nations Assembly.

The range of the General Assembly's jurisdiction is ex-

tremely broad. Besides its powers of discussion and recommendation as to international disputes, it is specifically charged with studying and making recommendations that will (1) promote international cooperation and the development of a code of international law, (2) promote economic, social, and cultural cooperation among the nations and the realization of basic human freedoms everywhere, and (3) have general supervision over the trusteeship system in nonstrategic areas.

These three broad divisions just about cover the field of international relations. As compared with the League Covenant, the Charter provides the Assembly with a far wider range of activity. But the words "make recommendations" reveal that the General Assembly's powers are not so deep as they are wide. The Assembly's function is not to legislate but to formulate policies. Its formal actions are not in the nature of laws; they do not go to the Security Council for concurrence nor are they imposed upon the member nations.

The Charter explicitly directs the General Assembly to promote international cooperation in the "economic, social, cultural, educational, and health fields." Under the League Covenant the members agreed to cooperate in certain more restricted economic and social policies. But neither the League itself nor any of its organs was charged with stimulating such cooperative action.

Under the Charter this action is to be initiated at once by the General Assembly and by a number of agencies under its direction. This is a very real advance in the "legislative" powers of the international organization. It is a new departure in practical relations among nations, and its success may have a great deal to do with the durability of the peace.

WHAT IS THE ECONOMIC AND SOCIAL COUNCIL?

The Economic and Social Council's powers are very broad. It may initiate studies and recommend action in the economic, social, and cultural fields by the member states, by the United Nations Organization, or by any of its agencies. The Council may also make recommendations to promote "respect for and observance of human rights and fundamental freedoms for all." It may draft conventions on any aspect of these problems for submission to the General Assembly. It may also call conferences of the member states "on matters falling within its competence."

The Council may make agreements for bringing any existing international administrative agencies—such as the Universal Postal Union or the International Labor Organization—into relationship with the United Nations. It can call for reports from these specialized international agencies and obtain their aid in carrying out its own recommendations.

Like the other agencies created by the Charter, the Economic and Social Council is not burdened by the unanimity rule in voting. All decisions will be taken by a majority vote of the members "present and voting." The Council is, indeed, given very broad powers of management in making its own rules of procedure and in coordinating the activities of the specialized administrative agencies.

What will the Economic and Social Council do?

How important is the Economic and Social Council in the postwar peace structure? Is it a necessary agency for this purpose?

To ask these questions is really to answer them. International economic and social contacts are now so close and

continuous that failure to cooperate in many fields of common interest may spell disaster to the peoples of many countries. If we recall how the United Nations built up their power to win the war through a common effort, a pooling of all their resources, we can realize what international cooperation can achieve. Lend-lease is an excellent example of what can be done through effective international economic cooperation.

The value of international cooperation is not less in peacetime than in wartime. Monetary stability, health conditions, labor standards, tariff policies, international air traffic, and many other problems are matters which one nation, no matter how large, cannot settle for itself or by itself today. Unless there is cooperation in setting standards and in applying them between countries, there will inevitably be chaos for all.

This is one lesson, at least, which we learned from our experiences in the 1920's and 1930's. The Economic and Social Council is the answer we have given in the Charter to the need for developing genuine and workable international cooperation in these fields.

Helping hands

In and of itself, the Economic and Social Council cannot do the whole job. The United Nations must have a number of specialized agencies to work out the details of cooperation in the various special fields of international economic and social relations.

The United Nations have inherited a number of international agencies from the prewar period and have already created several others. Perhaps the most important continuing prewar agency is the International Labor Organization, established in 1920. This organization continued to function during the war and is already far ahead with peace-

time programs for raising labor standards in all countries through cooperative action.

Without going into detail about how the International Labor Organization operates, we may note that it drafted some 67 international treaties which were ratified by a large number of states. These treaties deal with every aspect of labor standards—from the 8-hour day and 48-hour week to the administration of workmen's compensation and social security. They cover industry, agriculture, and maritime shipping. No doubt the International Labor Organization will also propose regulations for labor in aviation.

Others, old and new

In addition to the International Labor Organization, many other prewar international administrative agencies are still in operation or will probably be revived. Among the more important may be mentioned the following: Universal Postal Union, International Union of Weights and Measures, and International Meteorological Organization.

Altogether, there were more than 50 "international unions" of governments actively functioning before 1939 in many fields of economic, social, cultural, and scientific cooperation. Most of these unions will continue. Many will, in all probability, become a part of the United Nations Organization—under the general coordinating direction of the Economic and Social Council.

Several new international agencies, among which the United Nations Relief and Rehabilitation Administration (UNRRA) is the most notable, were created during the war by the United Nations. More are being and will be formed in the future as the need for international cooperation in any given field becomes evident. For instance, the charter of an international agency for promoting educational, scientific, and cultural cooperation has already been

worked out at a conference in London, during November 1945. It, and any other similar agencies formed in the future will also be under the wing of the Economic and Social Council.

Compared with the League of Nations Covenant, the United Nations Organization is far ahead in organizing for cooperation in the nonpolitical fields. The League did, it is true, develop a number of important cooperative agencies—economic, social, and cultural. The League Assembly and Council both served to some extent in coordinating them. But the League never achieved so much as can the Economic and Social Council toward a united front in promoting higher world standards through economic, social, cultural, educational, and health cooperation.

How do these agencies help maintain peace?

We have already noted how adverse economic and social conditions at home often breed international political rivalries and hatreds. When employment, trade, agriculture, and standards of living are unstable, the peoples of the economically and socially depressed countries often seek to blame some other country. Germany, for instance, erected a whole propaganda system on the cry of being a “have-not” country, of needing *Lebensraum*.

This is why, no doubt, the Charter included among the functions of the General Assembly “promoting international cooperation in the political field.” Close relationship between economic and social conditions and political attitudes is thus recognized—and provided for—by the Charter.

WHAT IS THE TRUSTEESHIP SYSTEM FOR DEPENDENT AREAS?

One important aspect of the problem of political and economic cooperation involves the relations between the

advanced industrial countries and the colonial peoples. No question in international relations has caused more difficulties and disputes during the past century. The whole story of imperialism in Africa, Asia, and Latin America is one which many Americans and Europeans review with regret. But the problem is still with us. How does the Charter meet the issue of colonialism?

First, the Charter lays down certain guiding principles to be observed by all members in dealing with all non-self-governing peoples. Then it sets up an international "trusteeship" system to oversee any non-selfgoverning areas that may be put under its supervision.

Here again, there is a real advance over the League of Nations Covenant and the mandate system established under it. The mandate system, which was the first comprehensive international regulation of colonial administration, applied only to the former German and Turkish colonies taken over by the victors after the first World War. But any colonial power may voluntarily place any of its colonies under the Charter's trusteeship system. All mandates and all colonies taken over from the Axis powers may be included in the new international colonial system. They will be placed under the over-all supervision of the General Assembly and the Trusteeship Council for nonstrategic territories, and of the Security Council in the case of strategic areas.

The Trusteeship Council, like the Economic and Social Council, is an agency directly responsible to the General Assembly and is designed to assist it in carrying out the general principles of the trusteeship system. The Big Five and all other members of the United Nations which control trust territories will automatically be members of the Council. The General Assembly will elect to the Council, for three-year terms, enough other states to insure equal representation of states administering trust territories and

of states not administering such territories. Each state will have one vote; decisions will be taken by a majority of the members "present and voting."

What will the Trusteeship Council do?

The powers of the new Trusteeship Council are considerably stronger than those of the League of Nations Mandates Commission. In the first place, the Council must visit the nonstrategic trust territories periodically and review the acts and activities of the trustee (or colonial) power "on the spot." Secondly, it may receive petitions directly from the peoples in the nonstrategic trust territories and examine them in consultation with the trustee power. Finally, it has authority to "take these and other actions in conformity with the terms of the trusteeship agreements."

These broad powers equip the Council to serve as an international overseer of colonial administration. They also clearly define it as a cooperative service agency to aid the colonial powers in promoting higher economic, social, cultural, and educational standards in colonial areas. The Council may, in fact, call on the Economic and Social Council or any of its specialized agencies to assist in carrying out this objective.

The question of what territories will be brought under the trusteeship system is left by the Charter for future determination. In each case the decision will be a matter of joint agreement between the United Nations and the state holding the territory in question. The exact terms of the trust agreements will be worked out by the General Assembly with each of the colonial powers concerned.

The Security Council instead of the General Assembly will act in those colonial territories or parts of territories designated as "strategic areas"—presumably including any air bases, naval bases, and the like—that may be used as part of the international security control system.

What are the Charter's colonial principles?

We have already seen that the Charter defines certain broad principles for promoting higher standards in colonial government. What are some of these principles?

Perhaps the most important is that all colonial powers agree "to develop self-government, to take due account of the political aspirations of the peoples concerned, and to assist them in the progressive development of their free political institutions." Universal self-government for all peoples is thus defined as the very core and purpose of colonial policy for the future.

Although not every present colony will be placed under the trusteeship system at first, it seems likely that the standards of administration set up by the Trusteeship Council will profoundly affect the acts and policies of *all* powers holding colonies. The "political aspirations" of their colonial peoples will certainly be influenced by what the latter observe going on in the trust territories.

In addition, the general principles provide for the economic, social, and educational advancement of these peoples, "with due respect for [their] culture." The colonial powers are required to cooperate, through research and otherwise, in promoting these ends and to submit information on their administration of colonial territories, even those not under the trusteeship system.

Furthermore the trusteeship system establishes the principle of equal treatment of the nationals of all the United Nations in trust territories. The purpose of this is to end economic, social, or legal discrimination in favor of the trustee power and its own nationals.

Are these principles workable?

This brief review of the trusteeship system suggests how long a step away from old-fashioned imperialism the United Nations have taken in their dealings with the colonial

peoples. The principles outlined above mark a new stage in a world-wide democratic trend toward self-government for all peoples.

Some people consider such an objective not only unattainable but undesirable. The colonial peoples are, they say, not capable of governing themselves. However, our experience in this war with many of the so-called "backward" peoples has demonstrated their capacity for learning the most modern methods of technology.

It is true, of course, that our particular forms of democracy may not always be suited to people living under very different economic and social conditions. But if the principles of the Charter are applied with intelligence and good will, the aspirations of colonial peoples for self-government should be within reach.

Another point worth noting about the trusteeship system is its effect upon the political relations of the United Nations. Just as in the case of the Economic and Social Council, the work of the Trusteeship Council in economic and social affairs should help to promote better political understanding. No doubt as the colonial areas of the world progressively advance in living standards and political autonomy, imperialist rivalries will decline. As they are opened equally to the trade and industry of all nations, cooperative political relations between colonial and non-colonial powers will grow.

DO WE NEED AN INTERNATIONAL CIVIL SERVICE?

Several questions emerge from our review of the wide range of economic, social, cultural, educational, and colonial services and activities to be undertaken by the United Nations. How will all these services and activities

be carried out—and by whom? Who will man the agencies already created and those still to be established?

The Charter provides, like the League of Nations Covenant, for a Secretariat to carry on the day-to-day operations of the organization. Its head is the secretary general, appointed by the General Assembly on the recommendation of the Security Council. Under him, "such staff as the organization may require" will man the various agencies already noted.

The staff will be, to all intents and purposes, an international civil service. Like any national civil service, it will be selected from the most competent people available in the various specialized fields of action under the charter. Its members will come from many countries, but they will be responsible not to their home governments but to the United Nations. Not only the two administrative councils already noted but all the other agencies of the United Nations will be staffed from the central Secretariat.

HOW DOES THE CHARTER PROMOTE THE RULE OF LAW?

Another important question involving the powers and functions of the United Nations Organization is that of the place of law in international relations. To the extent that rules of law are observed by states, the rule of force is reduced, the appeal to arms less frequent, and peace more likely to last. How—and how far—does the Charter expand the area of the rule of law in international relations?

In forming an effective world court, the San Francisco Conference had a most useful precedent. The old World Court, provided for in the League of Nations Covenant and fully operative since 1920, became the model for the new International Court of Justice.

How will the new World Court operate?

The new World Court, like the old, will have 15 judges elected jointly by the General Assembly and the Security Council for 9-year terms. No two may be of the same nationality. The Court will sit at The Hague, but may hold hearings and other proceedings wherever necessary to carry out its functions.

Every member agrees to accept and carry out the decisions of the Court in any case in which it is a party. If it does not, the other party to the dispute may ask the help of the Security Council, which may make recommendations or decide upon measures to give effect to the judgment. The enforcement machinery of the Charter is thus put behind the decisions of the Court.

The Court does not have compulsory jurisdiction, however, over any dispute between members of the United Nations. That is, disputing nations are not required to submit their differences to the Court for settlement. This is said to be the great weakness of the statute, since nations are least likely to submit to outside settlement the very disputes that are most likely to provoke trouble. Efforts to include compulsory jurisdiction in the Charter, however, failed at San Francisco. Many nations are not yet ready to give up their freedom to settle political disputes by other than legal processes.

The Court may also render "advisory opinions" on request to the General Assembly and the Security Council, and to all the other agencies of the United Nations upon consent of the General Assembly. An advisory opinion is a formal ruling by the Court on some point of international law, rendered at the request of another authority without presentation of an actual case.

Experience at Geneva more than once demonstrated the value of this advisory opinion procedure. The Permanent

Court of International Justice rendered many advisory opinions for the League of Nations and its agencies. Often, for instance, a real dispute between countries could be—and was—reduced to a procedural or jurisdictional question which, when answered by the Court, in effect settled the dispute. The same result is, therefore, likely to be repeated in the work of the new Court.

What law will the Court apply?

This is, of course, the nub of the question of how far the Charter promotes the rule of law. First, the Court will interpret and apply the Charter itself and all the administrative treaties which its various agencies will develop. Among them, for instance, will be the constitution of the International Labor Organization and the trusteeship agreements.

As the economic, social, educational, and cultural activities of the United Nations expand, more treaties in these fields will be drawn up. Since treaties are a kind of international legislation, they will be an important factor in expanding the rule of law among the United Nations.

Beyond such treaties, however, lies the whole range of international political relations. Here, as we have seen, the rule of law is still weak. What we call "international law" is limited in its range, lacks uniform interpretation, and does not have binding force among the family of nations.

Here the Charter is silent. Although Articles 1 and 2 portray certain "purposes" and "principles," they do not establish a code of law governing the actions of member states.

Do we need a code of world law?

Many argue that, until we have an exact code of international law, the whole idea of a world organization is

illusory. Without a code, they say, every state can act just about as it pleases; there are no rules of law so generally accepted as to be enforceable.

This is an extreme view. Most of the day-to-day relations of states are carried on without any dispute as to their rights and duties. The real trouble arises with questions which a country views as matters of "national honor" or "vital interest." In the past, governments have often felt that such issues could be decided only by a test of strength rather than by a rule of law.

It would have been useful, no doubt, if the San Francisco Conference had drawn up a more precise code of laws to meet this danger. Certainly, the United Nations—like the League—will develop new treaties defining aggression more clearly and laying down rules for preventing it. Only in this way, in the long run, can the rule of law between nations be extended. States will accept obligations not to resort to war or aggression more willingly if their rights as well as their duties are clearly defined. This is the "path of the law" within every country; it is not less so in the international community over which now hang the terrors of the rocket-propelled atomic bomb.

Does the Charter write a code of law?

Although the Charter does not include a code of international law, it does point the way in this direction. First, the new Court provides a legal forum in which states can settle *any* kind of dispute they are willing to submit to impartial judgment and decision. Second, there are open to all states many other means for the peaceful settlement of disputes. Arbitration is one of them. Third, the Security Council and the General Assembly are both available for reconciling differences and finding a workable compromise.

By establishing these and similar agencies, the Charter makes available the necessary machinery for the peaceful

settlement of *any* dispute which may arise. Although this is not a code of law, the outlines of such a code will emerge as states resort to these agencies for decisions as to their rights and duties. Each decision will create a rule to meet a crisis. As the decisions increase in scope and number, so will the rule of law in international relations grow in strength.

Were this all the Charter had achieved toward preventing war, it would leave us heavily exposed to the threat of war and aggression in the future. Two further steps have been taken to increase our insurance against future wars. One of these steps is legal, the other political.

Is the legal obligation of the Charter effective?

The legal step is to be found in two of the "principles" of the Charter. All the United Nations have pledged themselves, first, to "settle their international disputes by peaceful means" and, second, to "refrain from the threat or use of force against the territorial integrity or political independence of any member or state."

To use or threaten force, or to refuse to settle *any* dispute peacefully, becomes, therefore, a breach of a legal obligation accepted in ratifying the Charter. Again, although this pledge is not in itself a code of law, it is the framework—indeed the only possible framework—on which any code of international law can be erected. Unless we can rely on the good faith of the United Nations to respect their pledge of peaceful settlement, all the legislative, administrative, and judicial machinery created by the Charter will be useless.

Suppose, however, that some nation chooses to forget its promise? Suppose some aggressor nation decides that war is the lesser of two evils? What does the Charter do to provide for this contingency?

Here, the other step—the political—has been taken by the United Nations. Just as our own Constitution requires the president to protect the republican form of government in the states, so the Charter imposes on the executive agency of the United Nations—the Security Council—the duty of enforcing peace by political and military action. This is the final and most drastic form of international cooperative action. We must, therefore, review and appraise the Charter from this fourth point of view to determine how effective an executive it has created.

WHAT ARE THE CHARTER PROVISIONS FOR PREVENTING WAR?

So far, we have reviewed the formation and functions of three branches of the world organization set up by the San Francisco Conference: the “legislative,” administrative, and judicial. Each of the agencies established in these three fields contributes to making peace more secure by providing machinery for dealing with long-range problems.

Peoples bent on war or the use of force to coerce other countries do not, however, wait for long-range solutions of their grievances. This we learned all too clearly from World War II. What we need, therefore, is a system of insurance against war that will work just as fast as—in fact, faster than—any future act of aggression.

This is why in the United Nations Organization, as in every national government, it is important to create an effective executive agency to carry out decisions. The executive is most capable of quick action with the necessary force and therefore of serving as the police arm of government. In our own Constitution, for instance, the president is charged with seeing that “the laws are faithfully executed.” Does the Charter provide an executive strong enough to see that United Nations purposes and principles

are faithfully executed, to provide us with insurance against war?

How is the Security Council organized?

The Security Council is based on the principle that power and responsibility go hand in hand. In order to act quickly and effectively, it is small in number and organized to give primary authority to the nations with the largest resources at their command.

The actual concentration of power in the hands of the Big Five (China, France, Great Britain, Russia, and the United States) is recognized by giving them permanent seats. In selecting the six nonpermanent members of the Council, the General Assembly is required to give "due regard" to the contributions which these states may make to the maintenance of international peace and security. "Equitable geographical distribution" must also be considered. This means, in effect, that the capacity of states in different parts of the world to give effective aid, including military aid, in keeping the peace must be taken into account in their selection.

What are the Security Council's functions?

This group of eleven states is, then, the executive of the United Nations. The Security Council is to remain in continuous session—to be available at all times to take whatever action it considers necessary to maintain international peace. The Council is given "primary responsibility" to this end. As we have seen, however, the General Assembly, the Economic and Social Council and its subordinate agencies, and the Trusteeship Council all have important functions in creating the conditions in which peace can be effectively maintained.

First, economic, social, educational, and cultural standards are to be raised by international cooperative action.

Second, disputes of a legal nature are to be settled by referring them to the International Court of Justice. Third, states are required to adjust their disputes through one of several means of peaceful settlement—and the Security Council can recommend the most suitable method or even the terms of settlement. Finally, the Security Council can call on some or all of the United Nations to cooperate in applying economic or military sanctions to an aggressor. In this latter instance, all members of the United Nations are required by the Charter to “accept and carry out the decisions of the Security Council.”

One of the Council’s principal functions is to prepare plans for regulating armaments. This responsibility is obviously one in which the Great Powers have a primary interest and responsibility. If they agree on a plan for limiting armaments other members of the United Nations are not likely to disagree.

What machinery is there for peaceful settlement?

The Charter does not outline in detail what procedures for peaceful settlement of disputes between states should be followed by the United Nations. It does note the great variety of peaceful means of settlement open to all states. It declares that the parties to any dispute that endangers peace and security “shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.” Without analyzing each of these methods in detail, it is obvious that, if the parties to a dispute *want* to find a peaceful solution, there are ample means at their disposal.

In addition, the Security Council has very broad powers in curbing disputes. Any member or nonmember of the United Nations may refer to the Security Council a dispute or “any situation which might lead to international

friction or give rise to a dispute." The General Assembly may do the same in "situations likely to endanger international peace and security." Finally, the Security Council may itself intervene at any stage of a dispute or "situation," or investigate it from the beginning on its own initiative. The Council may recommend either the "appropriate procedures or methods of adjustment" or "such terms of settlement as it may consider appropriate."

How will this machinery work?

The Security Council is, of course, a political agency. It is, however, precisely because states tend to view all disputes as political, whatever their origin or cause, that a frankly political and strong executive agency like the Council is needed to insure peaceful settlement. Such an agency can neutralize political disputes more easily and effectively than agencies of any other kind—legislative, administrative, or judicial.

Moreover, because the Council has other agencies at its disposal, as well as the various peaceful procedures noted above, it can work more effectively to bring together the parties to a dispute.

The Charter declares that "legal disputes should, as a general rule, be referred by the parties to the Court of International Justice." But if the parties fail to reach a peaceful settlement by judicial or other means, they must refer their dispute to the Security Council. Failure to do so would automatically become a breach of obligation under the Charter. If one of the parties to the dispute goes to war or uses force against the other, the Security Council is charged with putting down the violence.

The Council would seek to do so, using all the economic and military resources at its command. Thus, its police powers—always an executive function—are the ultimate system of insurance under the Charter against another

world war. How will these police functions or "sanctions" operate?

What if war threatens?

The Charter, like the League of Nations Covenant, provides two forms of sanctions against war—one economic, the other military. Both, however, are more effectively organized under the Charter. First, the Security Council's powers are broader than those of the League Council. Second, the member states are bound to apply the military as well as the economic sanctions which the Security Council considers necessary.

We had only one experience with the actual use of economic sanctions under the League of Nations Covenant: when Italy invaded Ethiopia. The members of the League were likewise bound to apply economic sanctions automatically in case one member went to war against another. It took several months, however, to work out a plan on which all nations would agree. Even when agreed on, it was only partial in scope and partially successful. Certainly, the application of sanctions against Italy was not automatic even on the outbreak of actual war.

Under the Charter, the Security Council may decide what measures not involving the use of armed force are necessary to give effect to its decisions. It may then call upon the members of the United Nations to apply the measures.

These sanctions may include "interruptions of economic relations, and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations."

Thus, an aggressor state will be as completely isolated from all contacts with the rest of the world as the Council may decide is necessary to obtain compliance with its decisions.

How will economic sanctions be applied?

The Charter leaves a great deal of discretion to the Security Council in applying economic sanctions. It may call for "complete" or "partial" sanctions. This flexibility is probably a sound formula since the Council is a political agency created to carry out executive functions of the United Nations Organization. Its decisions must necessarily be based upon the facts in any given situation. By granting a wide discretion to the Security Council, its influence is strengthened in seeking to avoid the breakdown of peaceful methods of settlement.

Under the Covenant, economic sanctions were to come into effect only upon the actual outbreak of war. Under the Charter, the Security Council may call for their full or partial application at any time during the course of a dispute. The Council can, therefore, act to apply economic pressure long before armed conflict occurs—at the very moment when the pressure may have the greatest effect.

The use of economic sanctions does not, of course, insure that a potential aggressor will not go to war. A state may build up stock piles of critical war materials or coerce weaker states into supplying them. Although there is no absolute assurance that a state bent on making war might not at least begin it with saved-up resources, the practical chances of continuing it without access to new sources are dubious.

If the Security Council's power to intervene at an early stage in a dispute does not seem sufficient to prevent an aggressor's preparing for war, other facts should not be ignored. Only the United States, Russia, and perhaps the British Commonwealth possess both the essential raw materials and the necessary manpower to carry on extended mechanized warfare solely with their own resources.

If, therefore, the Big Three hang together as to their

common interest to prevent future wars, there seems to be some assurance that economic pressure will prove to be an effective sanction against any other nation.

If economic sanctions are not enough, the Charter provides also for military sanctions—the final insurance for making the peace secure. We may well, therefore, review the machinery created by the Charter for military action to keep the peace. This brings us to the other aspect of the Security Council's executive function—the police power to maintain law and order in the family of nations. What are military sanctions and how will they be applied?

Military sanctions—what are they?

Here also, the Charter is far more specific and effective than the League of Nations Covenant. The League Council could recommend that military sanctions be applied by the members of the League. Each was free to cooperate in military action against an aggressor—to the extent that it saw fit, or not at all.

Under the Charter, the United Nations are bound to “make available,” in accordance with special agreements, armed forces and other facilities to carry out whatever military sanctions the Security Council considers necessary. These forces will become part of general military operation organized by the Council to prevent or stop an aggressor state—in the name and under the direction of the United Nations.

The forces will be of two kinds. For “urgent military measures”—to meet an emergency where an aggressor has already started its attack—the Charter creates a special obligation. The members of the United Nations agree to “hold immediately available national air force contingents for combined international enforcement action.”

These air force contingents might be located at certain “strategic bases” which, as we have seen, may be under

the supervision of the Security Council instead of the Trusteeship Council. In any case, they will utilize these bases in an emergency.

The Charter also indicates what types of military sanctions may be applied. Before offensive military action is taken, the Security Council may order "demonstrations, and blockade." These actions are, under international law, not war in the legal sense. An aggressor cannot, therefore, make them a legal pretext for continuing its own use of force as a matter of self-defense.

All the United Nations have agreed not to use force or the threat of force against other states. The very fact, therefore, that the Security Council invokes military sanctions against any state will define it as the aggressor. Thus, the use of police power by the Council can never become a justifiable cause of warlike actions by an aggressor.

How will military sanctions be applied?

The Security Council is a political, not a military body. To advise and assist it in organizing and carrying out military sanctions, therefore, the Charter creates a Military Staff Committee. This committee is to include the chiefs of staff of the permanent members of the Security Council—the Big Five. It will be responsible for the "strategic direction" of any United Nations armed forces placed at the disposal of the Security Council. It will also advise and assist the Council as to the "employment and command" of these forces and as to the regulation of armaments and disarmament.

Whether this system for applying military sanctions will work when it is most needed is a question for the future. Like the Charter as a whole, the effectiveness of the police function will depend on the will of the peoples of the United Nations.

One of the crucial issues here involves the authority of

the various national representatives on the Security Council to act on behalf of their home governments. Since trouble often arrives very suddenly, action to avert war may need to be taken by the Security Council almost instantaneously. It becomes important, therefore, that the members of the Council be able to act without having to refer each question back to their own governments and wait for a decision.

This is not a matter for the United Nations to decide. It is a question for each member nation to answer for itself. For the United States the decision was made when Congress by overwhelming majorities approved the United Nations Organization Participation Act in December 1945. The president thereby received wide authority to order American contingents into action on the call of the Security Council and without consulting Congress.

In addition, of course, there are many technical questions involved. Some of the problems of organizing a co-operative air, land, and sea force and creating a joint staff under the Military Staff Committee are discussed in EM 12, *Can We Prevent Future Wars?* Experience in World War II offers ample evidence of our ability to cooperate effectively in military affairs. Allied staffs functioned smoothly. Allied operations were carried out with brilliant success. The experience of the United Nations not only demonstrates that the Charter's sanctions procedure can be made effective but provides us with the blueprint for its operation.

HOW DO REGIONAL SYSTEMS FIT INTO THE CHARTER?

From the point of view of the Americas it was important to know just how the inter-American security system was to fit into the larger world security organization. The

same was true for the Arab states, which had just created a regional security system for themselves, and for a number of European states bound together in mutual assistance treaties against the possibility of a rearmed Germany.

The Charter contains some compromises between the extreme views, but it recognizes in principle the supremacy of the world-wide system. Regional systems must be consistent with the purposes of the United Nations Organization; they are to keep the Security Council informed of their activities; and they may take no enforcement action—except against former enemy states—without authorization of the Council.

On the other hand, the Security Council is to encourage pacific settlement of disputes through regional agencies and where possible use them to carry out its own enforcement policies. But while every nation retains the absolute right to act in self-defense individually or collectively, such actions are to be reported to the Security Council and do not bar the Council from taking any subsequent action it deems necessary for peace and security.

Another aspect of the Charter's regional arrangements is that the Military Staff Committee of the Security Council may be authorized to establish regional subcommittees "after consultation with appropriate regional agencies."

HOW WILL THE SECURITY COUNCIL VOTE?

At each stage in the effort to maintain international peace and security created by the Charter, the Security Council is given important functions. In reaching a decision, however, a vital question arises: Must the Security Council, as the executive of the United Nations, act unanimously? Or may it exercise even its police functions on less than a unanimous vote?

No question is of greater importance—or difficulty. The delegates at the Dumbarton Oaks Conference were unable to agree on a workable formula. At Yalta, the Big Three reached a tentative agreement which became, in fact, the basis of the procedure laid down in the Charter.

Briefly stated, the formula is as follows: Each state has one vote. Questions of procedure in the operation of the United Nations Organization may be decided by a vote of any seven members of the Council. On other questions, the majority of seven must include *all the Big Five*—except that when a dispute involving any member, including one of the Big Five, is being considered by the Security Council that state may not vote on the question of recommending a peaceful method of settlement. It may, however, vote on the question of applying economic or military sanctions to itself.

The formula creates what some have called a “veto” by any one of the Big Five on the use of the police power to maintain international peace. If, they say, one of the Big Five can prevent the use of economic or military sanctions against itself, or against a smaller nation which it favors, then the whole structure of peace created by the Charter is an illusion.

Is the veto a necessary part of the charter?

The argument against the veto power rests on the assumption that a world organization can be created today in the image of a national government. In every stable national government, the executive has a monopoly of all the police power of the state. No other agency of government—nor any private group—commands force adequate to defy the executive. The same monopoly of force—and discretion in its use—should, it is contended, be granted to the new world government and its executive agency, the Security Council.

The same centralization of authority is not yet true of the organized family of nations. Every national state possesses sovereignty—that is, freedom of decision in its domestic and international policies. The United Nations organization rests, in fact, on the principle of equal sovereignty of all its members. As long as this principle rules international relations, no world government can be set up with the same degree of centralized executive power as is found in the national governments of the various United Nations.

The framers of the Charter did not attempt the impossible. Suppose the Security Council had been given the power to override the will of one of the Big Five as to applying economic or military sanctions to itself. Would any of them have been willing—in the present state of national thinking about sovereignty—to ratify the Charter? It seems doubtful, for instance, that American opinion would have supported ratification if this country did not retain some authority over the use of economic and military sanctions against itself. Similar reluctance was shown by the governments and peoples of the other Big Five powers.

Strictly on grounds of political expediency, therefore, though certainly not on the principle of the sovereign equality of all states, the veto power of the Big Five can be justified.

Does the veto power make the Charter ineffective?

Regardless of all this, it would not be correct to say that the veto power makes the Charter ineffective. First, the whole structure for maintaining international peace and security is carefully worked out to hang together. Each part meshes into every other part to insure that persuasion toward peaceful settlement will be progressively effective. Each of the stages already noted will operate to reduce not

only the causes of dispute but the desire of any people to act as aggressors against others.

Second, all members of the United Nations have agreed to settle their disputes only by peaceful means and not to wage war or use force or the threat of force against other states. Here is a standard of action by which all states have voluntarily bound themselves. If one nation—even one of the Big Five—breaks its agreement, world opinion will be mobilized against it. United opinion will be focused on the aggressor through the General Assembly as well as the Security Council.

Will mobilized world opinion be effective?

In the last analysis, peaceful international no less than peaceful national government depends on the will of the people. If the will of the people of any country to maintain order through government disappears, domestic anarchy and violence result. If that will is maintained, then “domestic tranquillity,” as our Constitution puts it, is “insured.” The same is true of international order—or anarchy.

The united force of world opinion is the ultimate “sanction” for keeping the peace and settling *all* disputes peacefully. If that opinion is united, then there is every reason to expect that the necessary force, economic or military, will be applied to *any* aggressor to maintain international peace and security. Is this mobilized opinion likely to result from the Charter?

The strongest force impelling the people of the world to unite against an aggressor is self-interest. The human suffering and the social and economic costs of this war are beyond calculation. If we take into account only material losses—the bombed cities and the ravaged countrysides—years of work on the part of whole peoples will be necessary to restore even the conditions of 1939.

But these are not the only losses which must go into the balance sheet of modern war. Time out from productive work for millions of men and women, casualties that must be cared for, higher disease and death rates and lower birth rates, depressed national morale and moral standards—these are all a part of the account. Even the advances in science and medicine, which war often brings, do not balance it. Every one of the advances could be made as rapidly in peace as in wartime, if we wished to make them for “the general welfare.”

If the people of the world add up the cost of war as against the cost of maintaining a stable security organization, the ledger gives only one answer.

This is why, perhaps, the mobilized opinion of the peoples of the United Nations can be expected to support the peace system established by the Charter. It is to their own self-interest—in the long no less than in the short run. If they see the problem in some such terms as these, and continue to see it that way, then the Charter gives them the framework for a lasting peace. Their mobilized opinion will back up the use of their mobilized police power to stop aggression—if need be with force.

WHAT IS AMERICA'S STAKE IN THE CHARTER?

As has already been noted, the United States and Russia are the two most powerful nations today—and will be for a long time to come. If these two nations, together with the British Commonwealth of Nations, agree on a common policy of peace, no large-scale war can be started by any other power.

The brilliant young Frenchman, Alexis de Tocqueville, wrote of the relations of these two countries over a century

ago in his *Democracy in America*. "Their starting-point," he said, "is different and their courses are not the same; yet each of them seems marked out by the will of Heaven to sway the destinies of half the globe."

What Tocqueville wrote in 1835 seems prophetic for 1945—and the years beyond. Our primary interest and our primary responsibility lie in the direction of helping to maintain a stable and a lasting peace. With Russia, as of course with all the other United Nations, we share that interest and responsibility.

The balance of forces lies, however, for the moment and for some time to come, with these two powers. To the extent that the United States and Russia agree to agree—and honor their engagements—the machinery created by the Charter will operate effectively and cooperatively. No argument is necessary to indicate our interest and our responsibility to see that this objective of our foreign policy is achieved.

What about our influence in world affairs?

The United States stands today as one of the most powerful nations in the world. This is true not merely of our material resources. It is true also of our prestige and influence on the hopes and ideals of the peoples of nearly every country in the world.

With that power, material and moral, we can—indeed, shall inevitably—exert a dominant influence on the course of international affairs in the future. We cannot escape the role which our national energy and our material resources have marked out for us. The power we possess we can use to any end, for any purpose, we decide upon.

The interest of the United States in helping to maintain a stable peace is obvious. Our domestic prosperity depends on peace—to allow for an expanding world trade from which we can profit. Our capacity to utilize our resources

for advancing our domestic economic standards and social security depends on it. If we are to avoid, in the words of the Charter "the diversion for armaments of [our] human and economic resources," then peace is indispensable.

Not only is peace indispensable, "it is indivisible," as Maxim Litvinov, Soviet representative, once said in the League of Nations Assembly. We can no longer remain insulated from the effects of economic and social—or political—conflicts in other parts of the world. Unless we cooperate positively and continuously to maintain peace, we shall be, as we have been twice during the past quarter century, sucked into the vortex of world war.

Is the Charter perfect? Can it be improved?

Like our Constitution the Charter provides for its amendment. An amendment must be voted by two-thirds of the General Assembly and ratified by two-thirds of the members, including the permanent members of the Security Council. Ratification must be by the constitutional procedure as to treaty making of each country. A general conference for revision of the Charter may be called by a two-thirds vote of the General Assembly and any seven members of the Security Council. If a general conference has not been called before the tenth annual session of the General Assembly, the question must be placed on the agenda; a majority vote of the General Assembly and of seven members of the Security Council will convene it.

Some people argue that until the Charter is perfected, until it incorporates an ideal place for world government, we should not place our faith in it. This is an old argument; we have been confronted by it before in our history.

The framers of our Constitution embarked on an experiment which, in 1787, could hardly have seemed less hazardous than the experiment of the Charter in 1945. There were doubters then, those who thought that until the Con-

stitution was a more perfect document we had better not attempt to set up a national government. No one then could foresee with any certainty whether the Constitution would work. When the Constitution was drafted and the convention about to adjourn, Benjamin Franklin, the oldest and one of the most experienced members, spoke briefly. What he said is as relevant for us today and to the Charter as when he spoke on behalf of the Constitution.

"I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them; for having lived long, I have experienced many instances of being obliged by better information or fuller consideration to change opinions, even on important subjects, which I once thought right but found to be otherwise. . . . In these sentiments, Sir, I agree to this Constitution with all its faults, if they are such; because I think a general government necessary for us. . . . I doubt whether any other convention we can obtain may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. . . . Thus I consent, Sir, to the Constitution because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good."

TO THE DISCUSSION LEADER

BUILDING A WORKABLE peace is the most important problem facing the world's statesmen. Americans are likely to have a deeper personal concern in the success of the United Nations because of the decision to place the headquarters of that world security organization in the United States. The importance of the subject to every citizen cannot be over-emphasized.

Discussion leaders and readers of this pamphlet will do well to turn to the front of this pamphlet and reread the Preamble of the Charter of the United Nations. It sums up the principles on which the United Nations Organization is built: "to practice tolerance and live together in peace with one another as good neighbors," "to unite our strength to maintain international peace and security," to use armed force only "in the common interest," and "to employ international machinery for the promotion of the economic and social advancement of all peoples."

This pamphlet presents facts about the United Nations and discusses various points of view regarding the problems that must be encountered in building a workable peace. Readers are urged to do supplementary reading. Since literature on this subject is new, with more constantly being produced, no list of recommended reading materials is included, as has been done with other GI Roundtable subjects. It is believed that individual readers can best consult latest guides to periodical literature and prepare

their own list of supplementary reading, with the help and advice of librarians.

How can you prepare your discussion?

Discussion meetings that are stimulating and truly successful are the result of careful preparation. The leader of a discussion on "Building a Workable Peace" will try to do three things: (1) explain the formation and functions of the United Nations Organization, (2) present sufficient historical background to enable members of the group to understand the differences between the United Nations Organization and earlier peace organizations, and (3) stimulate individual members of the group to think for themselves, on the basis of the most reliable information available, regarding the problems of building a workable peace.

As discussion group leader, your preparation will involve a great deal more than outlining your discussion program or arranging for a forum speaker. Here are some additional things you can do:

1. Place copies of this pamphlet in reading rooms and in the hands of interested individuals who will read them and hand them to their friends interested in attending the discussion meeting.

2. Suggest to librarians in your area that copies of this pamphlet and suitable supplementary reading materials be displayed on a special reading table, on which is placed a poster or other announcement of the forthcoming discussion meeting.

3. Take a copy of this pamphlet to your installation newspaper and suggest that any story regarding it announce the time and place of the discussion meeting.

4. Prepare posters appropriate for this subject and display them on bulletin boards, in reading rooms, and other suitable places.

5. Arrange before the meeting such helpful visual aids as a blackboard, globe of the world, maps, and possibly an enlarged organization chart of the United Nations Organization. If local artists cannot prepare this chart, you can draw a rough sketch on the blackboard from the chart in this pamphlet.

What kind of discussion is best?

Every individual interested in attending a discussion meeting on "Building a Workable Peace" probably will have his own ideas as to what should be done to make the United Nations peace machinery *work*. These ideas probably will vary widely. Informal discussion would be particularly appropriate for this subject. Questions in the chapter headings of this pamphlet will help the leader cover the major issues. You might spend a few minutes explaining the United Nations and clarifying some of the major issues facing the organization. Instead of a long-winded talk, however, it is recommended that you bring in background material piecemeal at appropriate times during the discussion, particularly in response to questions raised by members of your group.

Forum, panel, or symposium discussions of this subject would also be possible.

The forum speaker should be a particularly well-qualified individual. He might be one who had attended the San Francisco Conference. He should at least be an authority on the United Nations Organization.

Panel or symposium speakers could use this pamphlet as the basis for preparing their preliminary discussion. Suppose, for example, that you have four symposium speakers, each talking for ten minutes. The first might discuss "What Peace Steps Preceded San Francisco?" The second could speak on "How Does the United Nations Organization Function?" The third speaker might talk on "Regional

Systems and Colonial Peoples under the United Nations Organization.” Then the fourth speaker could take up major problems of the future under some such title as “What Can Americans Do To Assure a Workable Peace?”

Whatever type of discussion you decide to use, you should reserve time at the end for questions and discussion by members of your group.

Handbooks to aid leaders

EM 1, *Guide for Discussion Leaders*, is a GI Roundtable pamphlet devoted to constructive and helpful suggestions for leaders of discussion groups. There leaders will find detailed information on the advantages and disadvantages of various types of discussion. They will also find numerous useful suggestions on handling difficult situations. This pamphlet urges leaders to prepare their programs carefully and it encourages them to draw on their own originality for making their discussions interesting and worth while.

Leaders faced with the problem of planning discussion meetings to be broadcast on radio stations or loud-speaker systems of the Armed Forces Radio Service will find many helpful suggestions in EM 90, *GI Radio Roundtable*.

Questions for discussion

Headings throughout this pamphlet raise pertinent questions suitable for discussion. Readers and discussion leaders will probably have many more questions of their own. Members of the group will undoubtedly raise other important questions as the discussion gets under way. Below are some additional questions, however, which may prove useful:

1

What were the principal reasons for the failure of the League of Nations? Does the United Nations Organization

set up peace machinery that overcomes all the weaknesses of the League? How does the United Nations Organization resemble the League? How does it differ?

2

How did the San Francisco Conference attempt to reconcile the principle of equality of sovereign nations and the principle of authority in proportion to responsibility? Were there similarities between tasks of the San Francisco Conference and those of the Philadelphia Convention in 1787, which drafted the Constitution of the United States?

3

How does the General Assembly function? What are the powers of the Security Council? How does the International Court of Justice operate? What is the Secretariat? What is the scope of the Economic and Social Council? How does the Trusteeship Council function?

4

Does the Economic and Social Council mark an advance beyond the old League? Does the trusteeship principle limit or maintain the old colonial system? In what respects does it differ from the mandate system of the League of Nations? Does it change the status of dependent peoples?

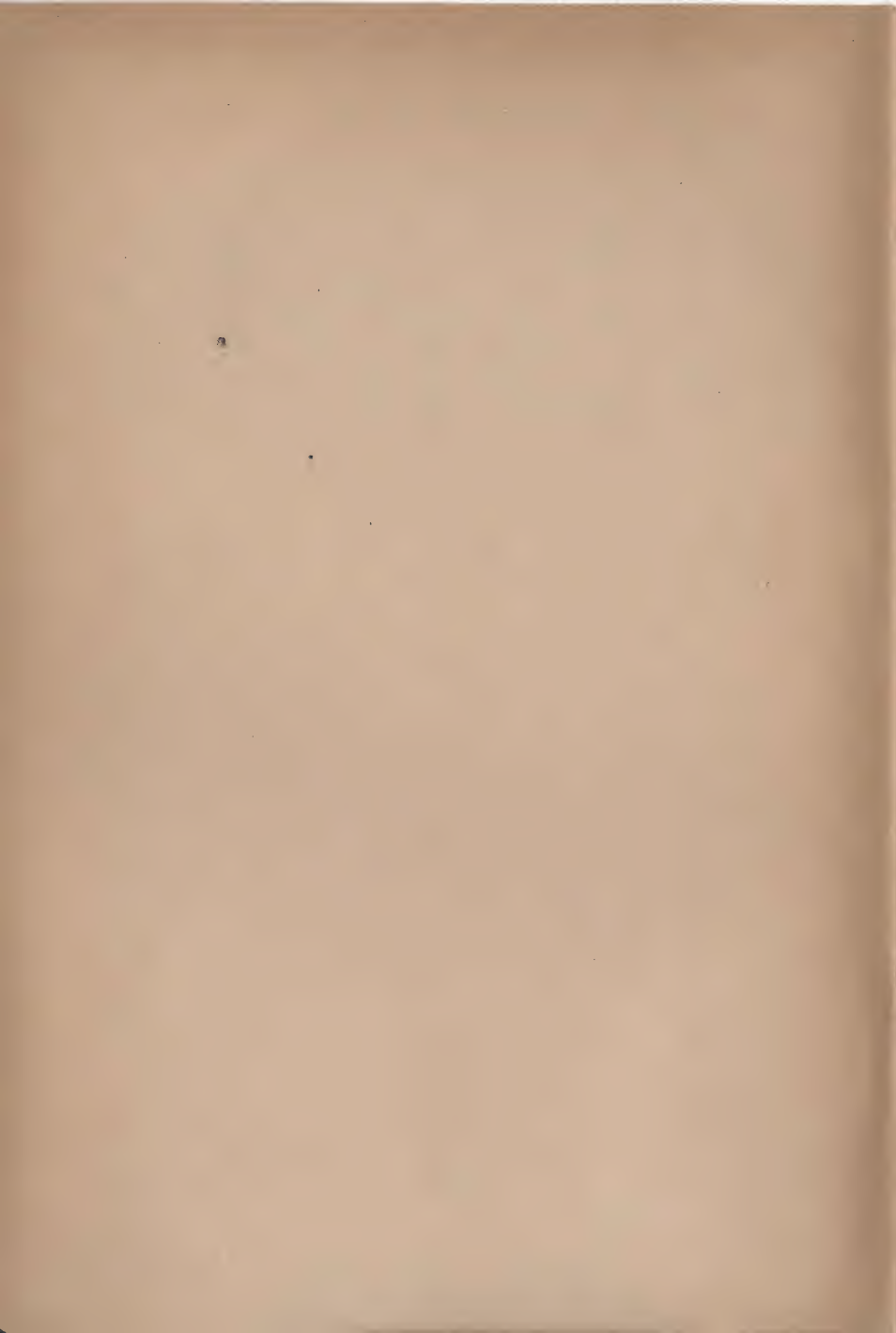
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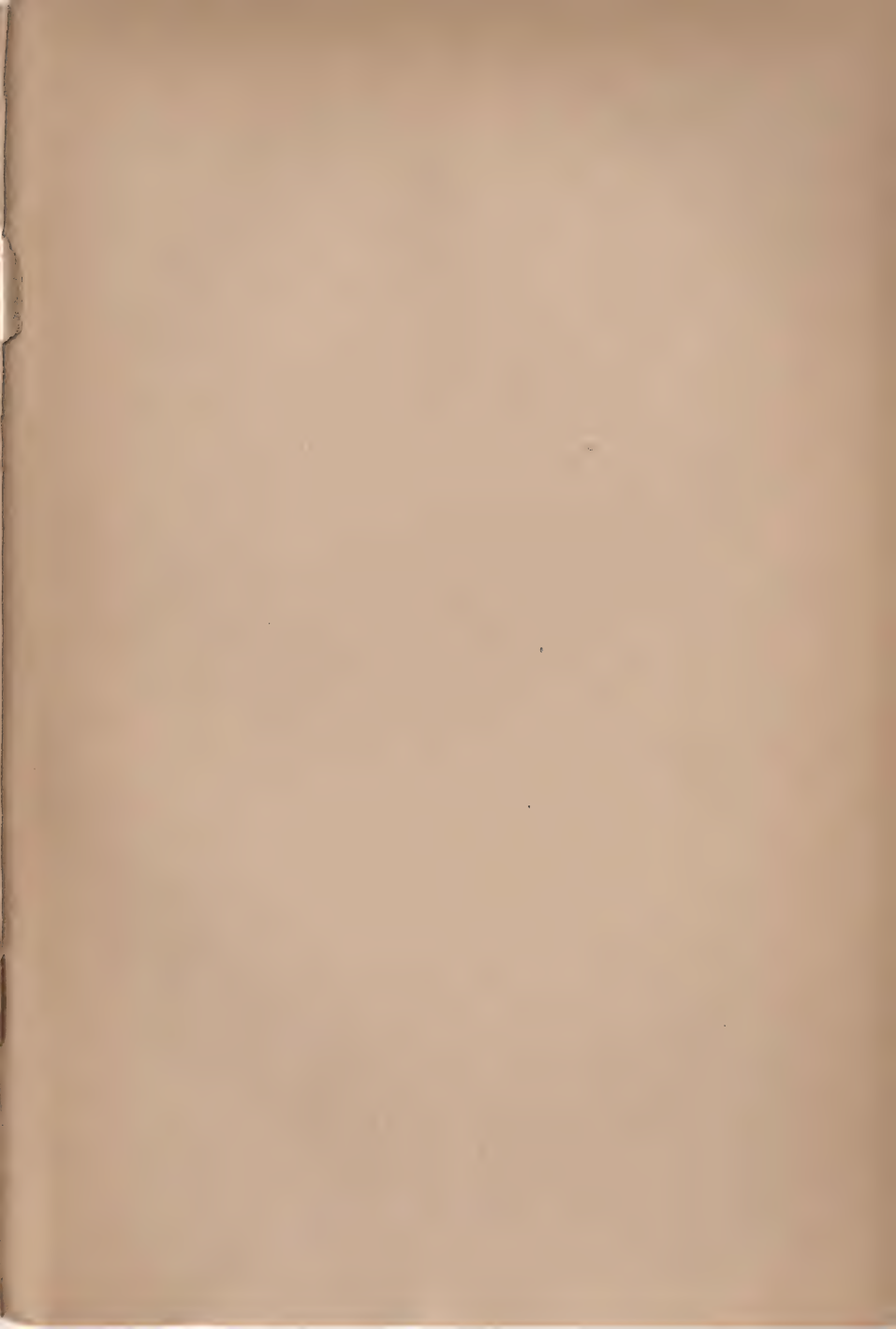
Does the Charter of the United Nations provide for an improved system of international law? Does it affect the political systems of any member nation? Does the United Nations Organization have any jurisdiction over civil wars or revolutions within member nations? How may nations not now members qualify for membership in the future? Under what conditions may armed forces be used by the

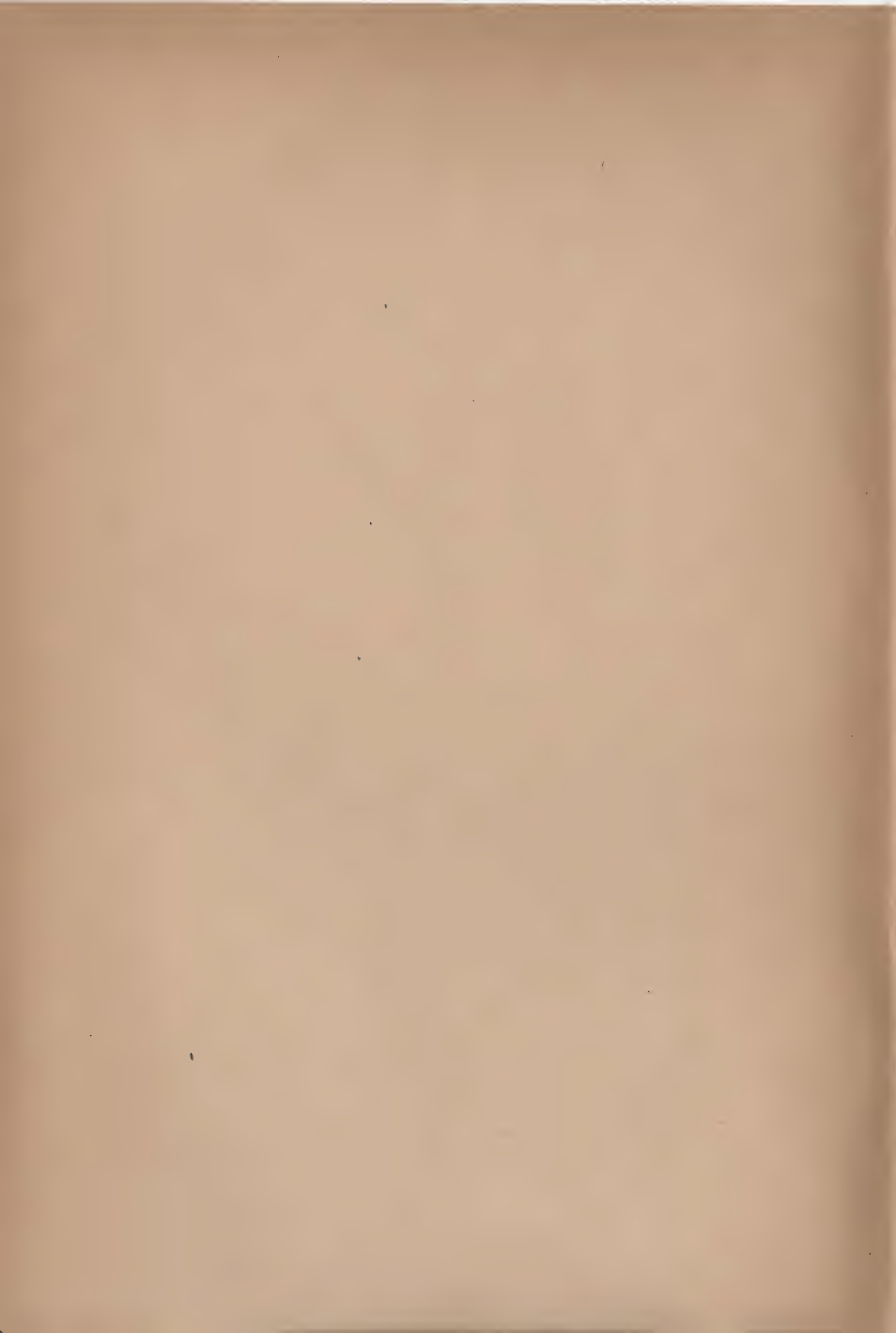
United Nations Organization to maintain international law and order?

6

Does the United Nations Organization take adequate account of the self-interest of both large and small nations? Should all United Nations conferences be open to the press of the world? How can the Charter be amended? Will the placing of headquarters of the United Nations Organization in the United States increase the responsibilities of the American people for building a workable peace?











OTHER GI ROUNDTABLE SUBJECTS

INTRODUCTORY COPIES of each new *GI Roundtable* pamphlet are automatically issued to information-education officers in the United States and oversea areas. Additional copies are authorized on the basis of one copy for each 25 military personnel. Pamphlets may be requisitioned from the United States Armed Forces Institute, Madison 3, Wisconsin, or from the nearest USAFI Oversea Branch. List EM number, title, and quantity. New subjects will be announced as published. *GI Roundtable* subjects now available:

- EM 1, GUIDE FOR DISCUSSION LEADERS
- EM 2, WHAT IS PROPAGANDA?
- EM 10, WHAT SHALL BE DONE ABOUT GERMANY AFTER THE WAR?
- EM 11, WHAT SHALL BE DONE WITH THE WAR CRIMINALS?
- EM 12, CAN WE PREVENT FUTURE WARS?
- EM 13, HOW SHALL LEND-LEASE ACCOUNTS BE SETTLED?
- EM 14, IS THE GOOD NEIGHBOR POLICY A SUCCESS?
- EM 15, WHAT SHALL BE DONE ABOUT JAPAN AFTER VICTORY?
- EM 20, WHAT HAS ALASKA TO OFFER POSTWAR PIONEERS?
- EM 22, WILL THERE BE WORK FOR ALL?
- EM 23, WHY CO-OPS? WHAT ARE THEY? HOW DO THEY WORK?
- EM 24, WHAT LIES AHEAD FOR THE PHILIPPINES?
- EM 27, WHAT IS THE FUTURE OF TELEVISION?
- EM 30, CAN WAR MARRIAGES BE MADE TO WORK?*
- EM 31, DO YOU WANT YOUR WIFE TO WORK AFTER THE WAR?
- EM 32, SHALL I BUILD A HOUSE AFTER THE WAR?
- EM 33, WHAT WILL YOUR TOWN BE LIKE?
- EM 34, SHALL I GO BACK TO SCHOOL?
- EM 35, SHALL I TAKE UP FARMING?
- EM 36, DOES IT PAY TO BORROW?
- EM 37, WILL THERE BE A PLANE IN EVERY GARAGE?
- EM 40, WILL THE FRENCH REPUBLIC LIVE AGAIN?
- EM 41, OUR BRITISH ALLY
- EM 42, OUR CHINESE ALLY
- EM 43, THE BALKANS—MANY PEOPLES, MANY PROBLEMS
- EM 44, AUSTRALIA: OUR NEIGHBOR "DOWN UNDER"
- EM 45, WHAT FUTURE FOR THE ISLANDS OF THE PACIFIC?
- EM 46, OUR RUSSIAN ALLY
- EM 90, GI RADIO ROUNDTABLE

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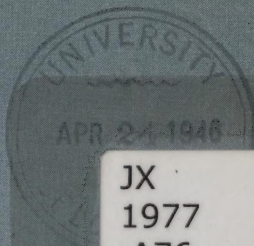
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